

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DeEARL FOSTER,

Petitioner,

v.

ALDANA RAMIREZ, et al.,

Respondents.

No. 2:24-cv-2800 WBS AC P

ORDER

Petitioner, a former state prisoner proceeding without counsel, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 28, 2024, this court filed an order requiring plaintiff to submit, within thirty days from the date of the order, either an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee. ECF No. 3. Petitioner was warned that failure to comply with the order would result in a recommendation that the case be dismissed. Id. at 1. This order was mailed to petitioner's address of record at High Desert State Prison ("HDSP"). Id.

On November 25, 2024, the October 28, 2024, order was returned as undeliverable, noting plaintiff was no longer in custody. On December 5, 2024, because the California Department of Corrections and Rehabilitation inmate locator indicated petitioner was still incarcerated at HDSP, the October 28, 2024, order was re-served on petitioner at the address of record. On December 9, 2024, and December 17, 2024, the order was again returned as undeliverable.

1 On February 13, 2025, the undersigned issued findings and recommendations  
2 recommending that this case be dismissed without prejudice for failure to prosecute, see L.R.  
3 183(b), and failure to comply with this court's order, see L.R. 110. ECF No. 6. On March 3,  
4 2025, the court received petitioner's application to proceed in forma pauperis. ECF No. 7.  
5 However, the application is incomplete. Petitioner's application is missing a signature page *and*  
6 the certification required. See 28 U.S.C. § 1915(a). **Petitioner will be provided one final**  
7 **opportunity to submit a complete in forma pauperis application.**


8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Petitioner shall submit, within twenty-one days from the date of this order, a completed  
10 affidavit in support of the request to proceed in forma pauperis on the form provided by the Clerk  
11 of Court.

12 2. The Clerk of the Court is directed to send petitioner a new Application to Proceed In  
13 Forma Pauperis By a Prisoner; and

14 3. Petitioner's failure to comply with this order within the time specified will result in the  
15 continued recommendation, see ECF No. 6, that this case be dismissed without prejudice for  
16 failure to prosecute and failure to comply with this court's orders.

17 DATED: March 21, 2025

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
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